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RE: OFFICIAL PAPER
TO: Examiner: **John S. Maples**
U.S. Patent and Trademark Office
GAU: 1795
FAX: 571-273-8300

OCT 29 2007

FROM: John F. McCabe
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DATE: October 29, 2007
Pages (incl. Cover): 2

Re: Mail Stop: AMENDMENT
Response To Request Under 35 U.S.C. 1.121

Case No: Hodes 7-13-19-21-14-10-5

Serial No: 10/803,565

File Date: March 18, 2004

Title: **RESERVE CELL-ARRAY NANOSTRUCTURED BATTERY**

Certificate of Facsimile Transmission

I hereby certify that this correspondence (and any paper referred to as being transmitted therewith) is being facsimile transmitted to **MAIL STOP: AMENDMENT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date indicated below.

10/29/07
Date: Sue Sabo

OCT 29 2007

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventors: Marc S. Hodes et al

Case No.: 7-13-19-21-14-10-5

Serial No.: 10/803,565

Group Art Unit: 1795

Filing Date: March 18, 2004

Examiner: John S. Maples

Title: RESERVE CELL-ARRAY NANOSTRUCTURED BATTERY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO REQUEST UNDER 35 U.S.C. § 1.121

In response to the Restriction Request of Oct. 9, 2007, Applicants elect Group I, i.e., claims 1 – 7, with traverse.

Applicants traverse this second Restriction Request, because M.P.E.P. § 803 (I) (B) states that a proper Restriction Request requires that the absence of restriction would impose a serious burden on the Examiner. Indeed, M.P.E.P. 803 states:

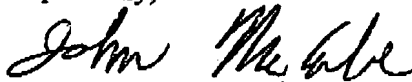
If the search and examination of **>all the claims in an<** application can be made without serious burden, the examiner must examine **>them<** on the merits, even though **>they include<** claims to independent or distinct inventions.

Here, there is no serious burden, because the Examiner puts the claims of both Groups in class 429. In the absence of a serious search burden, the Request should be withdrawn.

NO FEE DUE.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Lucent Technologies Deposit Account No. 12-2325 to correct the error.

Respectfully,



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Date: Oct. 29, 2007
Lucent Technologies Inc.
Docket Administrator, Room 2F-192
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